IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7371 of 2005

Between:

K. Sudarshan Reddy S/o. Narsimha Reddy
R/o. H.No. 5-11-86, Naimnagar, Hanamkonda, Dist. Warangal.

..... PETITIONER

AND

1 The Authorised Officer & Divisional Forest Officer, Warangal North Division, Office at Forest Offices Complex, Subedari, Hanamkonda, Dist. Warangal -506 001.
2 The Forest Range Officer, Eturnagaram Village & Mandal, Warangal District.
3 The Superintending Engineer, (R & B) Circle, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order, more particularly one in the nature of Writ of Mandamus, declaring the Notice issued under Sub-Section (2A) (2B) of Section 44 of A.P. Forest Act, 1967 in Offence File No. 9/EN/2004-05/OR, Dt. 20-2-2005 by the 1st Respondent; as illegal and without jurisdiction and also in violation of Article 299 R/w Art. 19(1)(g) of the Constitution of India, and be pleased to pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. N.PRAVEEN KUMAR

Counsel for the Respondents : GP FOR FORESTS

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7371 OF 2005

ORDER:

The petitioner claims to be a Special Class Contractor who was entrusted with a construction work under an Agreement executed by the Superintending Engineer, R & B Circle, Warangal dated 7-1-2005. It is stated that while executing the said work under the supervision of Engineer-in-Charge in the work-site on 20-02-2005, three vehicles deployed by the petitioner on the work site were seized by the second respondent alleging that the work being executed by the petitioner is in contravention of the provisions of The Wild Life (Protection) Act, 1972. Thereafter, the first respondent issued notice dated 20-02-2005 calling upon the petitioner to explain as to why the seized vehicles should not be confiscated under Section 44 (2-A) & (2-B) of the Andhra Pradesh Forest Act, 1967 (for short, 'the Act'). The petitioner states that all the allegations specified in the said notice are incorrect and without any basis and he is not guilty of the offence alleged and accordingly the explanation was submitted on 7-3-2005. It is also stated that on the same day an application was also made before the 1st respondent seeking interim release of the vehicles. The grievance of the petitioner is that the 1st respondent failed to consider

the same and no orders are have been passed so far. The petitioner states that since he was entrusted with a time-bound work, due to the inaction on the part of the respondents, he is unable to proceed with the work and consequently stands to suffer irreparable loss.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Forest appearing for the respondents and perused the material on record.

Whenever the forest produce or vehicles used in committing any forest offence are seized, the competent authority has to follow the procedure as prescribed under Section 44 of the Act and pass appropriate orders after affording due opportunity to the persons from whom the property is seized. Sub-section (3) of Section 44 of the Act also provides for interim release of the vehicles seized. In the circumstances, the respondents are required to consider the application made by the petitioner dated 7-3-2005 for interim release of the vehicles seized and ought to have passed orders expeditiously in accordance with law. Since the proceedings are pending before the Competent Authority, I am not inclined to express any opinion on merits. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the application of the petitioner for interim release of the vehicles seized, dated 7-3-2005 and to pass appropriate orders in accordance with law within a period of one week from the date of receipt of this order. The 1st respondent is also directed to consider the explanation dated 7-3-2005 offered by the petitioner in response to the notice dated 20-02-2005 and to pass appropriate orders as expeditiously as possible preferably within a period of four weeks.

The Writ Petition is accordingly disposed of. No costs.

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05th April, 2005.

Note:- CC by tomorrow.

(B/O)gbs

To

1 The Authorised Officer & Divisional Forest Officer, Warangal North Division, Office at Forest Offices Complex, Subedari, Hanamkonda, Dist. Warangal -506 001.
2 The Forest Range Officer, Eturnagaram Village & Mandal, Warangal District.
3 The Superintending Engineer, (R & B) Circle, Warangal.

4. Two CCs to G.P. Forests, High Court of AP Bldgs, Hyderabad (OUT).

5. 2 CD copies